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Sent: Thursday, March 23, 2017 2:39 PM
To: JudTestimony
Subject: Written Testimony to Joint Committee on Judiciary Supporting Proposed H.B. 7285 with three amendments, An Act Concerning Complaints that Alleged Misconduct by Law Enforcement Agency Personnel

Written Testimony Supporting Proposed House Bill 7285,

An Act Concerning Complaints that Allege Misconduct by Law Enforcement Agency Personnel

Senator Doyle, Senator Kissel, Representative Tong, and distinguished members of the Joint Committee on Judiciary:

My name is Florence N. Johnson. I grew up in Wilton, Connecticut. It's been 23 years since I re-settled here to raise my children. I am writing today to testify in support of Proposed House Bill 7285, which intends to ensure compliance with the Connecticut General Statutes, Section 7-294bb, which concern the acceptance, processing, and investigation of a complaint from a member of the public relating to alleged misconduct committed by law enforcement personnel.

My brother, a Paratrooper and Green Beret, proudly served this nation in military intelligence and communications during the Vietnam War, giving his life in service to our country. His integrity in reporting the facts about military operations and casualties of U.S., South Vietnamese, and North Vietnamese forces -- even when they didn't align with the public statements by our military and political leaders -- is the measure by which I hold public servants, including the police, accountable.

Judiciary Committee members, we cannot have meaningful best practices in enforcement of CT or Federal laws and insure public safety when there is any question that our laws are unevenly implemented and enforced across communities in this state. Unfortunately, there is very little accountability or transparency to the public in many of our municipalities when it comes to allegations of misconduct in law enforcement practices. This is a matter of law and justice that is of great concern to me.

The procedure for reporting civilian complaints against law enforcement personnel is one example of how our laws are not consistently implemented across Connecticut's many municipalities, a recent ACLU survey has found. Too many police departments in CT don't make access to a civilian complaint form readily available online and at an alternative municipal location to the police building. The procedure for filing a complaint is often inconsistently communicated by officers answering phone or e-mail inquiries, indicating officers in many

municipalities have inadequate or infrequent training on the complaint procedure and the underlying laws, and/or departments lack procedures.

Like Wilton's Police Department forms, many civilian complaint forms require information in excess of what is required under the law. This includes boxes that make it appear to the complainant that they must disclose their identity, address, and other personal information, then sign and notarize their statement under a declaration that they will be subject to criminal charges if all or any part of their statement is found to be false. These apparent complaint 'requirements' exceed what the CT law requires. This places an undue burden on citizens wishing to register a concern about police conduct and/or training. For example, there is nothing in Wilton's procedures or on the Wilton Police Civilian Complaint Report that identifies what information is optional. The ACLU's report found that excessive information requirements on complaint forms significantly depress the number of civilian complaints filed, so that concerns about alleged police misconduct or training are under-reported. Similarly, a failure to make the form available online and in languages commonly spoken in the region also depresses filings and reporting of significant law enforcement issues.

I found the ACLU report identified a problem with my town's police department procedures for filing a complaint. Neither the form nor the procedures provided an explanation of how civilians can make an anonymous complaint. Further, officers answering the phone lacked training to explain the process of making an anonymous complaint, and this required my call to be transferred to a superior officer. When civilians don't have information about how to make an anonymous complaint or when they have to be transferred to a senior officer, significant concerns are more likely to go un-reported. This is particularly true when concerns involve communication (e.g. language and translation) and issues related to mental health, disability, racial, ethnic, or immigrant profiling and/or detention. ACLU determined many potential complainants fear retribution if they have to disclose their identity and personal information when filing a complaint. Forms, including those used by Wilton Police, mislead civilians to believe complaints can only be filed by citizens willing to submit notarized, signed reports. Additionally, ACLU's research found that potential complainants fear being singled out as a troublemaker or whistle-blower.

Today, CT's law enforcement civilian complaint forms are not uniform, making meaningful accountability to the public through reporting of complaints across municipalities impossible. Transparent review of alleged police misconduct is sometimes a matter of life and death in Connecticut. To date, 18 people have died as a result of being tasered as they were taken into custody or while in custody. Of the 18, at least 3 deaths have been ruled homicides by the coroner, but no charges have been filed against police. For public safety, communities must be able to trust their law enforcement officers to not use undue force. By improving accountability for police conduct, proposed HB 7285 with three amendments will help law enforcement officers improve the relationship between communities and police, improve training of officers, and insure safer outcomes for everyone.

Proposed House Bill 7285 recognizes that our police complaint process is broken and it needs to be fixed, but it needs three amendments to improve law enforcement accountability and transparency. That's why I am writing to ask this committee to amend Bill 7285 so the intent of the bill can be implemented fully and with accountability. It is clear from the many newspaper articles and reports I have read, that H.B. 7285 must be amended to:

- 1) Provide penalties for law enforcement agencies that are not in compliance with state complaint acceptance and investigation laws,
- 2) Insure that the complaint form is standard for all law enforcement agencies, the form clearly identifies which information is optional, and the form is made available in commonly spoken languages.
- 3) Establish standardized tracking and uniform reporting measures and procedures that account back to the complainant (when identity and address is known) on a timely basis, and to the communities with meaningful data on annual complaints and department responses.

It is incumbent on your Committee to insure Connecticut has a transparent and accessible law enforcement civilian complaint process, one that is uniformly implemented by every agency conducting law enforcement in this state, and that provides meaningful accountability that reports complaints and outcomes of complaint reviews to the public and the complainant. This will make all our communities safer for all persons and it will identify opportunities for law enforcement leaders to improve training and/or adjust frequency of training on key enforcement procedures and issues. Of particular concern to me is training to help officers safely de-escalate a confrontation with someone experiencing a mental health crisis or drug-induced psychosis, as Emergency Departments do around the state on a daily basis without using Tasers. Amending H.B. 7285 insures that our laws are implemented with meaningful accountability to the public and that all citizens have equal opportunity to provide feedback on law enforcement concerns without fear of retribution or other kinds of negative consequences.

Please act to support with all three amendments the proposed House Bill 7285.

Florence N. Johnson

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